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Date of Deposit: September 21, 2005

Attorney Docket No. 18133-216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rasmussen et al.  
Serial No: 10/781,556  
Filed: February 17, 2004  
For: RACK ENCLOSURE

Examiner: Not yet assigned  
Art Unit: 2835

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the above identified application are the following:

- (1) STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 C.F.R. §1.56, 1.97, AND 1.98 ;
- (2) COPY OF PCT PARTIAL INTERNATIONAL SEARCH REPORT;
- (3) FORM PTO 1449 AND COPY OF PRIOR ART REFERENCE; AND
- (4) RETURN POSTCARD.

Should any of the items identified above be missing from this submission, the Office is respectfully requested to contact the undersigned at 617-348-4914.

The Commissioner is hereby authorized to charge the balance required, or any overpayment, to the deposit account of the undersigned, Deposit Account No. 50-0311, referencing Attorney Docket No. 18133-216. A duplicate copy of this transmittal letter is provided for this purpose.

Respectfully submitted

Carol H. Peters

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STATEMENT FILED PURSUANT TO  
THE DUTY OF DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 and 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance With 37 C.F.R. §1.97

(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed:

(Check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the National Application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International Application.
3. ☒ before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(Check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), (Check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart of this application not more than three months prior to the filing of this Statement.

No fee is required.

b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart of this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

No fee is required.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

1. The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:  
(Check a or b below)

a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Information disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the under signed after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
- 2. A petition requesting consideration of the Information Disclosure Statement is attached.
- 3. The petition fee of \$180 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

**PART II: Information Cited**

A. ☒ The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

**PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited**

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified).

The following are remarks concerning the other information cited:

**PART IV: Remarks**

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, or the extent of any search performed, or that more relevant information does not exist.

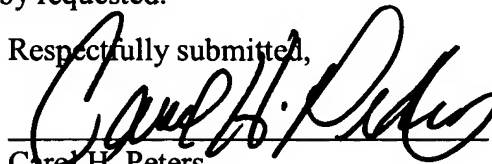
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,



Carol H. Peters

Registration No. 45,010

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Date: September 21, 2005



<b>FORM PTO-1449(Modified)</b>  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	Express Mail Label No. EV 463 102 925 US Date of Deposit: September 21, 2005	
	ATTY. DOCKET NO. 18133-216	SERIAL NO. 10/781,556
	APPLICANT Neil Rasmussen et al.	
	FILING DATE February 17, 2004	GROUP ART UNIT: 2835

**U.S. PATENT DOCUMENTS**

Exam Init	Ref Des	Document No.	Date	Name	Class	Sub Class	FILING DATE If Appropriate
	**A1	6,198,628	03/06/01	Smith	361	695	
	**A2	6,459,579	10/01/02	Farmer et al.	361	695	
	**A3	6,668,565	12/30/03	Johnson et al.	62	89	
	**A4	2004/0227435 A1	11/18/04	Rasmussen	312	236	

**FOREIGN PATENT DOCUMENTS**

FOREIGN PARENT DOCUMENTS								
		Country & Doc. No. (11)	Pub. Date (43)		Class	Sub Class	Translation Yes    No	
	A5	GB 2 354 066	03/14/01	Simon John Kerslake et al.	7	20		

**OTHER ART**

(Including Author, Title, Date, Pertinent Pages, Publication, Etc.)

	A6		
			International Search Report mailed June 17, 2005.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

**\*\* By the waiver of 37 CFR 1.98(a)(2)(i) copies of U.S. Patent A1 is not submitted.**

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.